



STATE OF HAWAII
DEPARTMENT OF HEALTH
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**WRITTEN
TESTIMONY ONLY**

**Testimony in SUPPORT of S.B. 2163 S.D.2 H.D.1
RELATING TO SERVICE OF PROCESS**

REPRESENTATIVE KARL RHOADS, CHAIR
COMMITTEE ON JUDICIARY

Hearing Date: 3/31/16
Time: 2:00 pm

Room Number: 325

1 **Fiscal Implications:** None

2 **Department Testimony:** The Department of Health supports this measure. This measure
3 provides for an additional method of legal notification when an enforcement action is being
4 taken under Hawaii Revised Statutes, Chapter 342D-9 and Chapter 342H-7. The Department of
5 Health, Environmental Management Division, has encountered situations when a respondent of
6 an enforcement action avoids certified mail or personal service and as such, counters the
7 Department of Health's ability to proceed with a timely enforcement action.

8 Thank you for the opportunity to testify on this measure.



Conservation Council
for Hawai'i

Hawai'i's voice for wildlife

Kō Hawai'i leo no nā holoholona lōhiu



Testimony Submitted to the House Committee on Judiciary
Hearing: Thursday, March 31, 2016 2 pm
Conference Room 325

Support for SB 2163 SD 2 HD 1 Relating to Service of Process

Chair Rhoads, Vice Chair San Buenaventura, and Members of the Committee.

Aloha. Conservation Council for Hawai'i supports SB 2163 SD 2 HD 1, which allows notice of a water pollution and solid waste pollution violation to be given via a posting on a searchable government website or a sign conspicuously posted on the property, if appropriate, when attempts to serve the notice in person and by mail have been unsuccessful.

Serving notices online or by a sign conspicuously posted on the property when potential violators do not want to be found or cannot be found makes a lot of sense, and serves the State and the people well. Please support SB 2163 SD 2 HD 1.

Mahalo nui loa for the opportunity to testify.

A handwritten signature in cursive script that reads "Marjorie Ziegler".

Marjorie Ziegler



SB2163 SD2 HD1
RELATING TO SERVICE OF PROCESS
House Committee on Judiciary

March 31, 2016

2:00 p.m.

Room 325

The Office of Hawaiian Affairs (OHA) **SUPPORTS** SB2163 SD2 HD1, which would facilitate the enforcement of water quality laws for absentee violators, by allowing notices of violation to be posted on-site or via a government website, when water polluters cannot be served in person or via certified, registered, or express mail.

Abundant and clean fresh water resources, including streams and springs, are essential for the exercise of many Native Hawaiian traditional and customary practices, cultural resources, and the restoration and perpetuation of fishponds and traditional farming methods and crops.¹ Degraded surface and groundwater quality from violations of state water pollution laws can therefore have a significant impact not only on our islands' water security, but also on Native Hawaiians' ability to perpetuate their culture, as well as on the food self-sufficiency of the state. Accordingly, there is a clear need to ensure that water pollution violations can be addressed, and corrective action obtained, in an expedient manner.

By allowing notices of water pollution violations to be served on-site or via a government website, for violators who cannot be served in person or via mail, this measure may help to facilitate the expedited enforcement of our water pollution laws. Such a provision may also aid the recovery of costs associated with obtaining injunctive relief, including corrective action, for ongoing violations impacting our streams, coasts, and other water resources.

Therefore, OHA urges the Committee to **PASS** SB2163 SD2 HD1.

Mahalo nui for the opportunity to testify on this measure.

¹ In 2015, the legislature passed Act 31, an OHA legislative package measure which added traditional Hawaiian farming systems, traditional Hawaiian crops, and small-scale agriculture to the agricultural priorities of the State. These priorities recognize the importance of traditional agricultural methods as well as small farms to ensuring food security and disaster preparedness in our islands.

LATE

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 30, 2016 11:12 PM
To: JUDtestimony
Cc: hawaiifishingfanatic@gmail.com
Subject: Submitted testimony for SB2163 on Mar 31, 2016 14:00PM

SB2163

Submitted on: 3/30/2016

Testimony for JUD on Mar 31, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Don Aweau	Individual	Support	Yes

Comments: In full support of SB2163 as it allows for notice of a water pollution and solid waste pollution violation to be given via a posting on a searchable government website or a sign conspicuously posted on the property, if appropriate, when attempts to serve the notice in person and by mail have been unsuccessful. Notification requirements have hindered City and State agencies from enforcing violations that are detrimental to the public trust in addressing citizens concerns in a timely matter. It is time to close a loophole that is abused by, absentee owners and violators, and support the use of proper notice, enforcement and fines to deter future violations. Mahalo piha.

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SIERRA CLUB OF HAWAII
MĀLAMA I KA HONUA. *Cherish the Earth.*

LATE

HOUSE COMMITTEE ON JUDICIARY

Thursday March 31, 2016 2:00PM Room 325

In Support SB2163, SD2, HD1 Relating to Service of Process

Aloha Chairman Karl Rhoads and members of the House Judiciary Committee,

On behalf of our 12,000 members and supporters, the Sierra Club of Hawai'i strongly supports SB2163 relating to service of process. This bill would improve enforcement of current protections against water and solid waste pollution by allowing for constructive notice to violators of land use violations via a public government website.

For a community that values our pristine natural environment, we do a poor job of enforcing our legal protections against water and solid waste pollution. Pollution violations are rampant throughout the Hawaiian Islands, but is especially egregious on O'ahu. We regularly see illegal dumps on our curbsides, auto repair shops on agricultural lands, reefs contaminated by illegal grading and grubbing on land. Illegal dumping of water and solid waste pollutants raises environmental justice, public safety, and ecological risk issues. These illegal uses of land can be reduced with better enforcement of current pollution laws.

Better enforcement begins with improved options for notifying suspected violators of their violations. SB2163 will give counties additional options for notifying suspected violators when attempts of service are unsuccessful by person or mail. The ability to do so will lead to greater enforcement of land use laws, providing for better safety and welfare for the people of Hawai'i.

Formerly, this bill focused solely on Haw. Rev. Stat. (HRS) §205-13, Hawai'i's land use law. However, our Senate committees wisely amended the measure to recognize the Department of Health's existing authority could rather be exercised under HRS 342D-9 (concerning water pollution) and 342H-7 (concerning solid waste pollution).

We strongly urge this Committee to move this measure forward. Thank you for the opportunity to testify on this measure.

Martha Townsend
Director

LATE

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, March 31, 2016 8:32 AM
To: JUDtestimony
Cc: dkapua@gmail.com
Subject: Submitted testimony for SB2163 on Mar 31, 2016 14:00PM

SB2163

Submitted on: 3/31/2016
Testimony for JUD on Mar 31, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Kapua Keliikoa-Kamai	Individual	Support	No

Comments: STRONG SUPPORT SB 2163, SD2, HD1 - RELATING TO SERVICE OF PROCESS. Allows notice of a water pollution and solid waste pollution violation to be given via a posting on a searchable government website or a sign conspicuously posted on the property, if appropriate, when attempts to serve the notice in person and by mail have been unsuccessful. Aloha kakou, I stand in STRONG SUPPORT OF SB 2163 SD2 HD1. This Bill incorporates DoH manpower and financial efficiency's. It ensures that environmental pollution violators have been duly notified (absent their physical presence) to allow for their timely and corrective response. Our lands, waters and people are too precious to allow pollution to continue. Mahalo for this opportunity to testify. Kapua Keliikoa-Kamai

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